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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,664	12/22/2003	Kevin J.. Ash	TUC920030067US1	7603

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EXAMINER

NGUYEN, THAN VINH

ART UNIT PAPER NUMBER

2187

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/743,664	Applicant(s) ASH ET AL	
	Examiner Than Nguyen	Art Unit 2187	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/22/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 8-13, 15 is/are allowed.
- 6) ☒ Claim(s) 7, 14, 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/22/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are pending.
2. The IDS, filed 12/22/03, has been considered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 7 recites the limitation "the cache image" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 7 recites the limitation "said range of tracks" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 7 recites the limitation "said first track" in lines 6-7 of the claim. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 7 recites the limitation "said second value" in lines 7-9 of the claim. There is insufficient antecedent basis for this limitation in the claim.
8. Claim 14 recites the limitation "the cache image" in line 5 of the claim. There is insufficient antecedent basis for this limitation in the claim.
9. Claim 14 recites the limitation "said range of tracks" in line 5 of the claim. There is insufficient antecedent basis for this limitation in the claim.
10. Claim 14 recites the limitation "said first data track" in lines 7-8 of the claim. There is insufficient antecedent basis for this limitation in the claim.

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11. Claim 14 recites the limitation "said second value" in lines 8-10 of the claim. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 19 recites the limitation "the cache image" in line 6 of the claim. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 19 recites the limitation "said range of tracks" in line 6 of the claim. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 19 recites the limitation "said first track" in lines 9 and 11 of the claim. There is insufficient antecedent basis for this limitation in the claim.

15. Claim 19 recites the limitation "said second value" in lines 11, 13, and 15 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Objections

16. Claim 9 is objected to because of the following informalities:

(line 1) "useable" should be replaced with -readable--.

**** This clarifies the claim language since "useable" is vague ***.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

17. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

18. Claims 16-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed subject matter is a computer program product/code,

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a program per se. This is not one of the four statutory categories of invention. In order to make the invention statutory, the Examiner suggests Applicant modify the language to claim "A computer readable medium having a computer readable program code..."

Allowable Subject Matter

19. Claims 1-6, 8-13, and 15 are allowed.

20. The following is a statement of reasons for the indication of allowable subject matter:

As to independent claims 1,9,16 the prior art does not teach nor suggest the claimed article of manufacture for performing the initializing process. More specifically, the prior art does not teach receiving an initialization command having a range of addresses/tracks; generating and saving state information, each having indicators specifying special status/handling; providing an ending status signal; wherein all of the receiving, forming, generating, setting, and providing steps are performed synchronously/simultaneously.

Dependent claims 2-8, 10-15, 17-20 have the same allowable subject matter of the parent claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Than Nguyen whose telephone number is 571-272-4198. The examiner can normally be reached on 8am-3pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Than Nguyen can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Than Nguyen
Primary Examiner
Art Unit 2187